

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CAPITAL TOWER &  
COMMUNICATIONS, INC., a Nebraska  
Corporation,**

**Plaintiff,**

**V.**

**PTS, INC., a Wyoming Corporation,  
and GREGORY J. CISLO,**

## Defendants.

**CASE NO. 8:02CV3014**

## ORDER OF DISMISSAL

This matter is before the Court *sua sponte*. In 2002, Plaintiff Capital Tower and Communications, Inc. filed a motion for default judgment against defendant Gregory J. Cislo without first obtaining any entry of default. Based on that deficiency, the Court denied the motion as to Cislo without prejudice. (Filing No. 27). In 2004, following Defendant Michael Curran's filing of a suggestion of bankruptcy, the Court accepted the Report and Recommendation of Chief Judge Timothy Mahoney of the United States Bankruptcy Court to permit this civil action to proceed without Curran. (Filing No. 71). In 2005, Plaintiff sought and obtained a default judgment against PTS, Inc. (Filing Nos. 78 and 79).

Plaintiff has taken no additional action regarding Defendant Cisló. Under the circumstances, I find that the Plaintiff has abandoned its claims against Cisló. Pursuant to Fed. R. Civ. P. 41 and NECivR 41.1, I conclude that any claims that Plaintiff may have had against Cisló should be dismissed based on Plaintiff's failure to prosecute them. Accordingly,

IT IS ORDERED:

1. Any and all claims in this matter against Defendant Gregory J. Cislo are dismissed without prejudice based on Plaintiff's lack of prosecution; and
2. The Clerk shall take any steps necessary to terminate this case for statistical purposes.

DATED this 14<sup>th</sup> day of May, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge